

REMARKS

Claims 1-46 are pending and under consideration. In the non-final Office Action of September 26, 2007, the Examiner rejected claims 1-46 under 35 U.S.C. §102(e) as being anticipated by *England* (U.S. 6,144,991). Applicants respectfully traverse the rejection and address the Examiner's disposition below. Claims 1, 10, 15, 16, 25, 30, 31, 40, 45, and 46 have been amended. Claims 3, 19, and 33 have been canceled.

Regarding claims 1-10, 16-25, 31-40, and 46:

Independent 1, 10, 16, 25, 31, 40, and 46 each claim subject matter relating to receiving a request to send a question either synchronously or asynchronously via a collaboration tool to a recipient. The collaboration tool is capable of sending the question synchronously and asynchronously. It is determined whether the recipient is online. The question is sent to the recipient via the collaboration tool when it is determined that the recipient is online.

This is clearly unlike *England*, which fails to disclose or suggest receiving a request to send a question to a recipient, and sending the question to a recipient when it is determined that the recipient is online. As described above, *England* fails to teach or suggest determining, prior to sending a file, whether the intended recipient is online. Similarly, *England* also fails to teach or suggest determining, prior to sending a question, whether the intended recipient is online.

England-simply-fails-to-teach-or-suggest-this-claimed-subject-matter.

Therefore, *England* fails to disclose or suggest claims 1, 10, 16, 25, 31, 40, and 46.

Claims 2, 4-9, 17, 18, 20-24, 32, and 34-39 depend directly or indirectly from claims 1, 16, 31, and 46 and are therefore allowable for at least the same reasons that claims 1, 16, 31, and 46 are allowable.

Claims 3, 19, and 33 have been canceled.

Regarding claims 11-15, 26-30, and 41-45:

Independent claims 11, 15, 26, 30, 41, and 45 each claim subject matter relating to receiving a request to send a file either synchronously or asynchronously via a collaboration tool to a recipient, wherein the collaboration tool is capable of sending the file synchronously and asynchronously. It is determined whether the recipient is online. The file is sent to the recipient via the collaboration tool when it is determined that the recipient is online.

This is clearly unlike *England*, which fails to disclose or suggest receiving a request to send a file to a recipient, and sending the file to a recipient when it is determined that the recipient is online. *England* teaches a system in which a guide can provide information to remote clients during a live session. *England*, Abstract. Further, the live session can be recorded for later playback by other clients. *England*, Abstract. In either case, *England* fails to teach or suggest determining, prior to sending a file, whether the intended recipient of a file is online.

For the case in which *England*'s guide and clients interact during a live session, when a party requests to send a file to the intended recipient, the file is sent to the intended recipient without first determining whether the intended recipient is online. *England* simply fails to describe a step of determining whether an intended recipient is online prior to sending a file to the recipient.

For the case in which *England*'s guide records a session that can be played back later, there is no request to send a file to an intended recipient. Instead, *England*'s guide merely records a session and then saves it. A client can request to view the recorded session, however in this case the client would be both the requestor and the recipient. Further, again in this case *England* simply fails to describe a step of determining whether the intended recipient is online prior to sending a file to the recipient.

The Examiner cites to *England* 20:58-21:25 and 22:17-64 as alleged teachings for this claimed subject matter. However, none of these cited passages discusses a step of determining whether an intended recipient is online prior to sending a file to the recipient.

Therefore, *England* fails to disclose or suggest claims 11, 15, 26, 30, 41, and 45.

Claims 12-14, 27-29, and 42-44 depend directly or indirectly from claims 11, 26 or 41 and are therefore allowable for at least the same reasons that claims 11, 26, and 41 are allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1, 2, 4-18, 20-32, and 34-46 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

 (Reg. No. 45,034)
Christopher P. Rauch
SONNENSCHEIN NATH & ROSENTHAL LLP
P. O. Box 061080, Wacker Drive Station - Sears Tower
Chicago, Illinois 60606-1080
Telephone (312) 876 8000
Customer No. 26263